

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BLADIMIR VALDERA,

Plaintiff,

v.

WALMART, INC.,

Defendant.

No. 25-CV-4068 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

Bladimir Valdera (“Plaintiff”) brings this Action against Walmart, Inc. (“Walmart” or “Defendant”), alleging negligence. (*See* Compl. (Dkt. No. 1).) A district court that is assigned a case that lacks proper venue “shall dismiss [the case], or if it [is] in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a); *see also* *Daniel v. Am. Bd. of Emergency Med.*, 428 F.3d 408, 435 (2d Cir. 2005) (noting that a court must decide whether to “simply affirm dismissal on these [improper venue] grounds or, in the interest of justice, order transfer of the action to another district where jurisdiction and venue properly obtain”). Venue is appropriate in:

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought . . . , any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b).

Plaintiff is a resident of Ozone Park, New York, which is located in Queens. (*See* Civil Cover Sheet (Dkt. No. 4) 2.) Defendant is a corporation that is apparently headquartered in

Bentonville, Arkansas. (*See id.*) The circumstances that gave rise to this Action took place at a Walmart store located in New Jersey. (Compl. ¶ 8.)

Accordingly, because neither Party resides in the Southern District of New York, and because the circumstances underlying the Action took place in New Jersey, venue is not proper in this District. The Clerk of Court is respectfully requested to transfer the Action to the District of New Jersey.

SO ORDERED.

Dated: May 22, 2025
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', written over a horizontal line.

KENNETH M. KARAS
United States District Judge